



OFFICE OF THE ERIE COUNTY DISTRICT ATTORNEY

JOHN J. FLYNN
DISTRICT ATTORNEY

MICHAEL J. KEANE
FIRST DEPUTY DISTRICT ATTORNEY

August 5, 2022

HON. JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE
ROBERT H. JACKSON UNITED STATES COURTHOUSE
2 NIAGARA SQUARE
BUFFALO, NEW YORK 14202

Re: In re Rule 45 Subpoena Issued to
Erie County District Attorney's Office
Dated June 7, 2022
Case No. 22-MC-14 JLS


Dear Judge Sinatra:

We are writing to advise the Court that the Cook County State Attorney's Office has withdrawn their subpoena dated June 7, 2022, which was the basis of the motion to quash subpoena filed by the Erie County District Attorney's Office. Attached please find the letter from the Cook County State's Attorney dated July 20, 2022 advising our office of the withdrawn subpoena.

We thank the Court for his attention to this matter.

Very truly yours,

JOHN J. FLYNN
DISTRICT ATTORNEY

By: 
PAUL J. WILLIAMS, III
Assistant District Attorney
Chief, Appeals Bureau
Paul.Williams@erie.gov

PJW/kad
Attachment
c: David A. Adelman, Esq.



**OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS**

KIMBERLY M. FOXX
STATE'S ATTORNEY

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July 20, 2022

Via email: paul.williams@erie.gov and jerry.marti@erie.gov

Paul J. Williams III, Chief, Appeals
ADA Jerry Mari
Erie County District Attorney's Office
25 Delaware Avenue
Buffalo, NY 14202

Re: In Re Rule 45 Subpoena Issued to Erie County District Attorney's Office Dated June 7, 2022
Case No. 1:22-mc-00014-JLS

Counsel:

I tried reaching out but have not heard back. I was hoping we could try to reach an accommodation. We disagree that production of documents would violate the language of the gag order and would not constitute "extra judicial statements". We appreciate the sensitivity of the ongoing prosecution and have no desire to cause any embarrassment or public dissemination and, in fact, are trying to prevent further violence by defending Cook County's ordinance.

Nevertheless, in light of NY Pub Off §87(2)(a) and NY County §677(3)(b) which, as you pointed out, exempts medical examiner records from disclosure, the Cook County State's Attorney's Office **withdraws** its subpoena dated June 7, 2022.

Neither I, nor anyone from my office, has filed an appearance in the above case. Please inform the court the subpoena is withdrawn.

Thank you.

Sincerely,

KIMBERLY M. FOXX

By: /s/ David A. Adelman
Assistant State's Attorney
Supervisor, Affirmative & Complex Litigation Section